

COMMITTEE REPORT

MR. PRESIDENT:

The Senate Committee on Judiciary, to which was referred Senate Bill No. 316, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Delete everything after the enacting clause and insert the following:
- 2 SECTION 1. IC 10-1-9-10, AS AMENDED BY P.L.1-1999,
- 3 SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 4 JULY 1, 2001]: Sec. 10. (a) This section applies to a person described
- 5 in subsection (b) or (c).
- 6 (b) This section applies to a person convicted of a felony under
- 7 IC 35-42 (offenses against the person), IC 35-43-2-1 (burglary), or
- 8 IC 35-42-4-6 (child solicitation):
- 9 (1) after June 30, 1996, whether or not the person is sentenced to
- 10 a term of imprisonment; and
- 11 (2) before July 1, 1996, if the person is held in jail or prison on or
- 12 after July 1, 1996.
- 13 (c) This section applies to a person convicted of a criminal law in
- 14 effect before October 1, 1977, that penalized an act substantially
- 15 similar to a felony described in IC 35-42 or IC 35-43-2-1 or that would
- 16 have been an included offense of a felony described in IC 35-42 or
- 17 IC 35-43-2-1, if the felony had been in effect:
- 18 (1) after June 30, 1998, whether or not the person is sentenced to
- 19 a term of imprisonment; and
- 20 (2) before July 1, 1998, if the person is held in jail or prison on or
- 21 after July 1, 1998.

(d) A person described in subsection (b) or (c) shall provide a DNA sample to the:

(1) department of correction or the designee of the department of correction, if the offender is committed to the department of correction; or

(2) the county sheriff or the designee of the county sheriff, if the offender is held in a county jail or other county penal facility, placed in a community corrections program (as defined in IC 35-38-2.6-2), or placed on probation.

A convicted person is not required to submit a blood sample if doing so would present a substantial and an unreasonable risk to the person's health.

SECTION 2. IC 10-1-9-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 11. **(a)** The superintendent may issue specific guidelines relating to procedures for DNA sample collection and shipment within Indiana for DNA identification testing.

(b) The superintendent shall issue specific guidelines related to procedures for DNA sample collection and shipment under section 10(d)(2) of this chapter. The superintendent shall provide each county sheriff with the guidelines issued under this subsection. A county sheriff shall collect and ship DNA samples in compliance with the guidelines issued under this subsection.

(c) In developing guidelines under subsection (b), the superintendent shall consult with an advisory committee consisting of the following persons:

(1) A county sheriff appointed by the governor or the designee of the appointed county sheriff.

(2) The executive director of the prosecuting attorneys council of Indiana established by IC 33-14-8-1 or the designee of the executive director.

This subsection expires July 1, 2003.

SECTION 3. [EFFECTIVE UPON PASSAGE] **(a) The definitions in IC 10-1-9 apply throughout this SECTION.**

(b) The superintendent may develop and issue guidelines under IC 10-1-9-11, as amended by this act, at any time after the effective date of this SECTION.

(c) Subject to subsection (d) and notwithstanding the amendments to IC 10-1-9-10 and IC 10-1-9-11 made by this act, the superintendent may delay the implementation of the collection of DNA samples under IC 10-1-9-10(d)(2), as amended by this act, in one (1) or more counties until the earlier of the following:

1 (1) A date set by the superintendent.

2 (2) July 1, 2002.

3 (d) Not later than September 1, 2001, the superintendent shall
4 designate at least three (3) counties to implement
5 IC 10-1-9-10(d)(2), as amended by this act, for offenders convicted
6 after August 31, 2001. The superintendent shall evaluate the
7 manner in which IC 10-1-9-10(d)(2), as amended by this act, is
8 implemented. Not later than December 31, 2001, the
9 superintendent shall provide the executive director of the
10 legislative services agency with a written report that includes at
11 least the following:

12 (1) A statement indicating which counties have implemented
13 IC 10-1-9-10(d)(2), as amended by this act.

14 (2) A description of the process used to collect and ship DNA
15 samples from the counties in which IC 10-1-9-10(d)(2), as
16 amended by this act, has been implemented.

17 (3) An analysis of any problems encountered in the
18 implementation of IC 10-1-9-10(d)(2), as amended by this act.

19 (4) An analysis of any problems that may be encountered in
20 implementation of IC 10-1-9-10(d)(2), as amended by this act,
21 on a statewide basis.

22 (5) Specific recommendations for legislative action needed to
23 more efficiently and effectively implement IC 10-1-9-10(d)(2),
24 as amended by this act.

25 (e) If the superintendent delays the implementation of
26 IC 10-1-9-10(d)(2), as amended by this act, in any county, the
27 superintendent shall notify the county sheriff of the
28 superintendent's action to delay implementation.

29 (f) If the superintendent terminates a delay in the
30 implementation of IC 10-1-9-10(d)(2), as amended by this act,
31 before July 1, 2002, in any county, the superintendent must provide
32 written notice to the county sheriff of the date when the delay is
33 terminated before the county sheriff is required to comply with the

- 1 **amendments to IC 10-1-9-10 and IC 10-1-9-11 made by this act.**
- 2 **(g) This SECTION expires July 1, 2002.**
- 3 **SECTION 4. An emergency is declared for this act.**
 (Reference is to SB 316 as introduced.)

and when so amended that said bill do pass .

Committee Vote: Yeas 6, Nays 0.

Senator Bray, Chairperson